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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,812	02/19/2002	Maurizio Pilu	30004071-2	7152

7590

02/18/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/078,812

Applicant(s)

PILU, MAURIZIO

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-41 is/are allowed.
- 6) ☒ Claim(s) 1-32 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/02 and 11/02</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-32 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (US Patent No. 6,435,969) in view of Link et al. (US Patent No. 6,383,080).

Regarding claim 1, Tanaka discloses a system for displaying a user's personal digital photographic images, the system comprising a portable digital data store comprising for operation with the gaming console when operatively read by the same, the digital data store comprising the user's digitised photographic image data and a viewing application program (see col. 2, lines 20-30), the viewing application program being arranged on operation to configure the gaming console to display the digitised photographic image data on the domestic visual display unit when the digital data store has been read by the gaming console (see col. 3, lines 1-39). However, Tanaka fails to explicitly teach a gaming console for playing a video game; a domestic visual display unit operatively connected to the gaming console for displaying the video game to the user.

Link discloses a gaming console for playing a video game and a domestic visual display unit operatively connected to the gaming console for displaying the video game to the user (see col. 3, lines 50-67). It would have been obvious to one of an ordinary skill in the art at the time the invention was made to provide a gaming console for playing a video game and a domestic

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visual display unit operatively connected to the gaming console for displaying the video game to the user as taught by Link to the portable game machine image capture in order using a portable game machine cartridge having the ability to capture an image and allowing the user to manipulating the capture image into a game that is being played on the display screen.

Regarding claim 2, Link discloses the domestic visual display unit comprises a television [the video signal displayed on TV; see col. 4, lines 20-30].

Regarding claim 3, Link discloses the viewing application program is arranged to enable multiple images of the digitized photographic image data to be displayed to the user simultaneously and a gaming controller of the gaming console is arranged to enable the user to navigate though the multiple images (see col. 7, lines 15-34).

Regarding claim 4, Link discloses wherein the multiple images are in the form of thumbnail images (see figure 3A).

Regarding claim 5, Tanaka discloses wherein the viewing application program comprises a plurality of user-selectable digital effects algorithms for altering the presentation of the user's digitised photographic image data on the domestic visual display unit (see col. 13, lines 27-49).

Regarding claim 6, Tanaka discloses wherein the portable digital data store comprises a plurality of user-selectable viewing application programs, each program providing a different algorithm for displaying the user's digitised photographic image data in a different way on the domestic visual display unit (see col. 17, lines 9-45).

Regarding claim 7, Tanaka discloses wherein each program is arranged to provide a different photo enhancement of the user's digitised photographic image data (see col. 14, lines 1-32).

Regarding claim 8, Tanaka discloses wherein the gaming console comprises communication means for connecting the console to a wide area network, such as the Internet, and the viewing application program comprises a communications program operatively controlling the communications means for transmitting information to a remote party via the communications means and the wide area network (see col. 10, lines 6-67).

Regarding claim 9, Tanaka discloses wherein the communications program is arranged to transmit a user selection command and/or the user's digitised photographic image data to the remote party (see col. 11, lines 1-52).

Regarding claim 10, Tanaka discloses wherein the gaming console comprises means for receiving a user's voice into voice data and the communications program is arranged to transmit the voice data over the wide area network to the remote party (see col. 13, lines 27-63).

Regarding claim 11, Tanaka discloses wherein the communications program is arranged to implement compression of data to be transmitted and decompression of data received via the communications means (see col. 12, lines 25-48).

Regarding claim 12, Tanaka discloses, wherein the communications program comprises an applet for enabling two-way communications between the gaming console and the remote party (see col. 17, lines 9-67).

As claims 13 and 14 are analyzed as previously discussed with respect to claims 8-10 above.

Regarding claims 15-20, Link discloses a further gaming console for playing a video game; the further gaming console including further communication means for connecting the further gaming console to the wide area network; a further domestic visual display unit for displaying the video game to the remote party when connected with the console; and a further portable digital data store including the user's digitised photographic image data and a further viewing application program, the further viewing application program being arranged to configure the further gaming console to display the digitised photographic image data on the further domestic visual display unit when further digital data store has been read by the further gaming console, and comprising a further communications program for receiving sharing information from the user via the further communications means and the wide area network (see col. 8, lines 13-65).

Regarding claim 21, Link discloses wherein the further communications program comprises an applet for enabling two-way communications between the further gaming console of the remote party and the gaming console of the user (see col. 8, lines 44-65).

Regarding claim 22, Link discloses wherein received data is password protected and the applet is arranged to enable access to part or all of the received data once the remote party has input a correct password associated with the received data (see col. 8, lines 52-60).

Regarding claim 23, Link discloses wherein further comprising a permanent data store connected to the wide area network, the permanent data storing a copy of the user's digitised photographic image data and comprising mission means for transmitting part or all of the user's digitised photographic image data to the remote party on receipt of a request generated by the user (see figures 4-5).

Claims 24-26 differ from claims 1 and 23 in that “a gaming console for playing a video game, the gaming console comprising a data communications module for connecting the console to a wide area network, such as the Internet; a domestic visual display unit operatively connected to the gaming console for displaying the video game to the user” which read on Link (see col. 10, lines 1-56).

As claim 42 are analyzed as previously discussed with respect to claim 1 above.

***Allowable Subject Matter***

2. Claims 33-41 are allowable over the prior art of record.

***Conclusion***

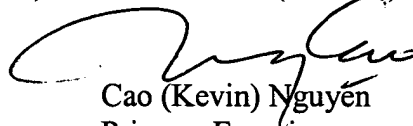
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen  
Primary Examiner  
Art Unit 2173

02/18/05